

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PIM SHIH,

Plaintiff,

-v-

5:24-CV-850

BANKERS HEALTHCARE
GROUP, LLC,

Defendant.

APPEARANCES:

OF COUNSEL:

PIM SHIH
Plaintiff, Pro Se
574A 62nd Street, Unit 3
West New York, NJ 07093

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On June 3, 2024, *pro se* plaintiff Pim Shih (“plaintiff”) filed this civil action in the U.S. District Court for the Southern District of New York alleging that defendant, a financial company located in Syracuse, New York, discriminated against him on the basis of his race and religion when it rejected his loan application. Dkt. No. 1. Along with his complaint, plaintiff also moved for leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2.

Because plaintiff had mislaid venue in the Southern District, U.S. District Judge Laura Taylor Swain *sua sponte* transferred this action to this judicial district. Dkt. Nos. 5, 6. Thereafter, plaintiff moved for permission to file documents using the Court's ECF system. Dkt. No. 8.

On October 29, 2024, U.S. Magistrate Judge Miroslav Lovric granted plaintiff's IFP Application. denied without prejudice his request to use ECF, and advised by Report & Recommendation ("R&R") that plaintiff's complaint should be dismissed with leave to amend. Dkt. No. 9.

Plaintiff has not filed objections, and the time period in which to do so has expired. *See* Dkt. No. 9. Instead, plaintiff has filed a "reply" to the R&R that suggests he harbors the mistaken belief that Judge Lovric was *not* permitting him leave to amend. Dkt. No. 12. That is incorrect. To be clear, the R&R appropriately recommended that plaintiff be given an opportunity to file an amended complaint within thirty days of this date of this Order.

Upon review for clear error, Judge Lovric's R&R is accepted and will be adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

ORDERED that

1. The Report & Recommendation (Dkt. No. 9) is ACCEPTED;
2. Plaintiff's complaint is DISMISSED with leave to amend;

3. Plaintiff shall have THIRTY DAYS in which to file an amended complaint;

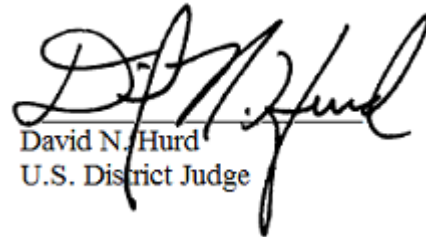
4. If plaintiff chooses to file an amended complaint, the Clerk of the Court shall REFER this matter to Judge Lovric for an initial review;

5. If plaintiff chooses not to file an amended complaint, at the expiration of this thirty-day period the Clerk of the Court is directed to enter a judgment dismissing this action without further Order of the Court.

The Clerk of the Court is directed to terminate the pending motion and set a deadline accordingly.

IT IS SO ORDERED.

Dated: November 20, 2024
Utica, New York.



David N. Hurd
U.S. District Judge